

City of Taylorsville
CITY COUNCIL MEETING
Minutes

Wednesday, March 2, 2005
Council Chambers
2600 West Taylorsville Blvd., Room No. 140
Taylorsville, Utah 84118

BRIEFING SESSION

Attendance:

Mayor Janice Auger

Council Members:

Chairman Russ Wall
Vice-Chairman Morris Pratt
Council Member Bud Catlin
Council Member Les Matsumura
Council Member Jerry Rechtenbach

City Staff:

John Inch Morgan, City Administrator
John Brems, City Attorney
Virginia Loader, City Recorder
Robin Kishiyama, Council Coordinator
Don Adams, Economic Development Director
Mark McGrath, Community Development Director
Larry Marx, Chief of Police

BRIEFING SESSION

Chairman Russ Wall conducted the Briefing Session, which convened at 6:00 p.m. The Council reviewed the Administrative Report, after which the agenda was discussed.

Council Member Morris Pratt **MOVED** to adjourn the Briefing Session. Council Member Jerry Rechtenbach **SECONDED** the motion. Chairman Wall called for discussion on the motion. There being none, he called for a vote. The vote was as follows: Wall-yes, Matsumura-yes, Rechtenbach-yes, Catlin-yes, Pratt-yes. **All City Council members voted in favor and the motion passed unanimously.**

REGULAR MEETING

Attendance:

Mayor Janice Auger

Council Members:

Chairman Russ Wall
Vice-Chairman Morris Pratt
Council Member Bud Catlin
Council Member Les Matsumura
Council Member Jerry Rechtenbach

City Staff:

John Inch Morgan, City Administrator
John Brems, City Attorney
Mark McGrath, Community Development Director
Nick Norris, City Planner
Virginia Loader, City Recorder
Robin Kishiyama, Council Coordinator
Larry Marx, Chief of Police
Don Adams, Economic Development Director

Citizens: Katie Larsen, Douglas Arnesen, Joshua Pettit, Les M. Seely, Dean Ericson, Harlan Christmas, Kristie Overson, Joan Ruston-Carlson, Angelo Calacino, Steve Payeur, Paul Haws, Jon Miles

1. WELCOME, INTRODUCTION AND PRELIMINARY MATTERS

18:34:16 Chairman Russ Wall called the meeting to order at 6:30 p.m. and welcomed those in attendance. He invited Boy Scout Troops 493, 772, 1728, 1306 and 3040 to introduce themselves.

18:35:25 He then reviewed the Citizen Comment Procedures for the audience.

1.1 Pledge of Allegiance – Opening Ceremonies – *Youth Council Member, Tamara Cope*

18:36:34 Tamara Cope directed the Pledge of Allegiance.

1.2 Reverence – *Youth Council Member, Lila Faumuina* (Opening Ceremonies for March 16, 2005 to be arranged by Council Chair, Russ Wall)

18:37:17 Lila Faumuina offered the Reverence.

1.3 Citizen Comments

18:40:08 Chairman Russ Wall called for any citizen comments.

1.4 Mayor's Report

18:40:39 Mayor Janice Auger reported on the following issues:

- A VECC Summit Meeting
- Taylorsville acceptance as a finalist for the Enhancement Grant for the I-215 and Redwood Road Interchange Project
- She referenced a small replica of a brain. She explained the adverse effect that alcohol has on the brain from age 13 to 21. She reported that a group in Utah has formed and will be conducting a communication campaign in this regard. She said that the Conference of Mayors has chosen to support this group.
- The House of Representatives voted 37 to 33 and changed the one year moratorium for RDA's back to February 15th, which will affect a possible project in Taylorsville.
- The Legislature concludes at midnight tonight.
- The Taylorsville Police Department will take effect on April 1, 2005. A Swearing In Ceremony will be held on March 30th at 7:00 p.m. at Taylorsville High School

2. REPORTS

18:47:11 Chief Larry Marx reported on the status of law enforcement in regards to the need to establish seniority and scheduling. He also reported on various computer software systems. Chief Marx then responded to questions from Council Members.

3. APPOINTMENTS

3.1 JRNAF Representative, Doug Arneson – *Mayor Auger*

18:51:51 Mayor Auger nominated Doug Arneson to serve as an alternate JRNAF Representative for Taylorsville.

18:53:22 Mr. Doug Arneson spoke to the Council and expressed his desire to accept this appointment and offered his support and dedication.

18:53:45 Council Member Morris Pratt **MOVED** to appoint Doug Arneson as an alternate JRNAF Representative. Council Member Bud Catlin **SECONDED** the motion. Chairman Wall called for discussion on the motion. There being none, he called for a vote. The vote was as follows: Wall-yes, Matsumura-yes, Rechtenbach-yes, Catlin-yes, Pratt-yes. **All City Council members voted in favor and the motion passed unanimously.**

4. CONSENT AGENDA

4.1 Minutes – SCCM 02-19-05

18:54:11 Council Member Bud Catlin commended Mr. Arneson and welcomed his appointment to JRNAF.

18:54:25 Council Member Morris Pratt **MOVED** to adopt the Consent Agenda with changes discussed in the Briefing Session. Council Member Bud Catlin **SECONDED** the motion. Chairman Wall called for discussion on the motion. There being none, he called for a roll call vote. The vote was as follows: Wall-yes, Matsumura-yes, Rechtenbach-yes, Catlin-yes, Pratt-yes. **All City Council members voted in favor and the motion passed unanimously.**

5. PLANNING MATTERS

5.1 Public Hearing – Regarding a Request for an Appeal of the Planning Commission’s Denial of a Conditional Use Permit for a Self Serve Car Wash Located at 6210 South 3200 West

18:55:15 Community Development Director Mark McGrath reported that Joshua Pettit submitted an application for a Conditional Use Permit to construct and operate a car wash on property located at 6210 South 3200 West. Mr. McGrath relayed that the Planning Commission denied the application and the applicant has appealed the decision to the City Council. He described the Planning Commission’s reasons for denial, as follows:

- Concerns for the general welfare of the residential neighborhood and general public;
- Safety concerns for motorists;
- Safety concerns for pedestrians; and
- The Planning Commission doesn’t believe this use is a good fit for this particular site.

Mr. McGrath cited specific concerns that the Planning Commission had with this matter. He indicated that Staff originally recommended approval of the application with 21 conditions of approval, but during the Planning Commission Hearing it became evident that there were several errors with the submitted information. The largest error was the geotechnical report, which was not representative of the site (it referenced a site in Lehi) and had some inconsistencies, particularly one section that indicated the water table was at a depth of 5 feet, and another section that indicated no free water was found. Several of the drawings also misrepresented how the applicant intended to construct the site. Mr. McGrath reported that there were also several neighbors who spoke in opposition to the project and raised similar concerns as the Planning Commission.

19:09:29 Chairman Russ Wall opened the public hearing and called for any citizen comments on this matter.

19:09:53 Applicant, **Dean Ericson**, Josh Pettit’s partner, addressed the City Council and he addressed the issue of a Geotechnical Report and said that the soil engineer said that there is no reason to not build on this site. He read a brief statement supporting the building of a car wash on the proposed site. He then displayed a 3D model of proposed project.

19:16:13 City Council Members asked questions of the applicant.

19:19:02 Chairman Wall asked if there was any public to speak in favor of the proposed project and no one spoke.

19:19:15 Chairman Wall asked if there was any public to speak in opposition to the proposed project.

19:19:32 **Rick Kitchens** expressed concerns in regards to a proposed car wash on the site. He said that he feels that the site is completely and absolutely inappropriate for a car wash. He requested that City Council make the site a green space.

19:22:57 Chairman Wall asked if the neighborhood would be agreeable to maintain the property.

19:25:38 **Wade Graves** said that he is an adjoining neighbor to the proposed site and he spoke in opposition of a car wash on the site.

19:28:46 **Chris King** presented a photograph to the City Council and spoke in opposition to the project on the proposed site and listed several reasons why he is opposed.

19:32:04 **Angelo Calacino** spoke in behalf of the Planning Commission requested that the City Council postpone their decision or remand the issue back to Planning Commission because there has been enough new and/or additional information presented to the City Council. He urged the City Council to take the new information under advisement and address it at another time.

19:36:24 **Kirtt Payeur** said that he is in the carwash industry and he spoke in regards to noise levels. He said that he did not feel that the noise produced from a car wash would be a problem. He also said that he is available to speak to concerned neighbors in this regard.

19:40:55 Community Development Director Mark McGrath said that a noise study has not yet been conducted and the Health Department will not sign off on the project until they have seen a study. He said that their approval is contingent upon the applicant satisfying their requirements in regards to noise.

19:44:57 **Doug Arneson** recommended that the type of trees planted along the fence line surrounding the car wash be reconsidered.

19:47:48 **Steve Payeur** said that he is concerned for his family and his property's safety from carwash customers, the noise generated by vacuums or stereos and possible flooding from the carwash.

19:49:45 **Dale Bennett** reported that he is the licensed engineer for the project. He said that he also works with a licensed landscape architect and they will work closely with City Engineer to avoid drainage problems.

Curt Payne submitted a written comment form that stated that the noise levels generated by the equipment are of no concern. The vacuum cannot be heard or discerned from the ambient road noise from 45 feet away.

19:51:58 There were no further citizen comments and Chairman Wall declared the public hearing closed.

19:52:07 Lengthy discussion was held among the Council Members regarding various issues of the proposed carwash at the proposed location.

20:30:34 Council Member Morris Pratt **MOVED** to uphold the decision of the Planning Commission to deny the carwash. Council Member Bud Catlin **SECONDED** the motion. Chairman Wall called for discussion on the motion. There being none, he called for a roll call vote. The vote was as follows: Wall-no, Matsumura-yes, Rechtenbach-yes, Catlin-yes, Pratt-yes. **All City Council members voted and the motion passed 4 to 1.**

6. FINANCIAL MATTERS

6.1 Resolution No. 05-12 – Adopting the One Year Action Plan for 31st Year Community Development Block Grant Funding, Home Investment Partnership Funding (2005-2006) and Approving Interlocal Cooperation Agreement Between the City of Taylorsville and the U.S. Department of Housing and Urban Development – Mayor Auger

20:31:42 Mayor Auger reminded the Council that a CDBG Public Hearing was held February 16, 2005, wherein CDBG applicants presented a summary of their program and funding requests. She presented the subject resolution, reflecting recommendations for funding.

20:33:17 Mayor Auger and Economic Development Director Don Adams responded to questions from the Council.

20:39:31 Council Member Les Matsumura **MOVED** to adopt Resolution No. 05-12. Council Member Jerry Rechtenbach **SECONDED** the motion. Chairman Wall called for discussion on the motion. There being none, he called for a roll call vote. The vote was as follows: Wall-yes, Matsumura-yes, Rechtenbach-yes, Catlin-yes, Pratt-yes. **All City Council members voted in favor and the motion passed unanimously.**

20:40:20 Mayor Auger explained that none of the line items that effect the Jones

Dairy property will be expended until the Master Plan for the property has been approved by the Planning Commission and the City Council.

6.2 Resolution No. 05-11 – Regarding Payment of Charges for Emergency Telephone Services and Directing that 50% of Such Monthly Charges Be Paid Directly to Taylorsville for Police Emergency Call Taking and Dispatch Services – *John Inch Morgan*

20:40:44 City Administrator John Inch Morgan explained that since November of 2003, the State Tax Commission, in response to a resolution of the Taylorsville City Council, has been directly depositing the funds that 911 Emergency Telephone Service Charges collected on behalf of the City of Taylorsville to the Salt Lake Valley Emergency Communications Center. Mr. Morgan stated that, with the creation of the Taylorsville City Police Department and the determination that contracting with the Salt Lake County Sheriff's Office for dispatch and records management services is in the best interest of the citizens of the City, it is appropriate to equally allocate the funds generated by the 911 Emergency Telephone Services charges between the City's two Public Safety call taking and dispatching operations. The funds that will be directly deposited into the City's PTIF account will be used to meet some of the contract obligations of an interlocal agreement with Salt Lake County for dispatch and emergency call taking services.

Mr. Morgan presented the subject resolution, which he explained, revokes the prior resolution and directs payment accordingly. 20:41:41 He then responded to questions from the City Council.

20:42:34 Council Member Les Matsumura **MOVED** to adopt Resolution 05-11. Council Member Jerry Rechtenbach **SECONDED** the motion. Chairman Wall called for discussion on the motion. There being none, he called for a roll call vote. The vote was as follows: Wall-yes, Matsumura-yes, Rechtenbach-yes, Catlin-yes, Pratt-yes. **All City Council members voted in favor and the motion passed unanimously.**

In response to Chairman Wall, Mr. Morgan explained that the money received will be deposited directly in to the General Fund - Fund Balance.

7. OTHER MATTERS

7.1 Ordinance No. 05-10 – Amending Title 2, Chapter 32, Entitled “Administrative Code” of the City of Taylorsville Code of Ordinance to Provide for Protest and Claims – *John Brems*

20:45:14 City Attorney John Brems presented the subject ordinance containing amendments to Title 2 in regards to Protest and Claims. He described specific changes to the proposed ordinance and called for questions or comments from the Council.

20:45:40 Council Member Morris Pratt asked questions in regards to the proposed ordinance and proposed changes from the Ordinance Review Committee.

20:55:43 Chairman Wall mentioned that, for future discussion, he would like to discuss procedures whereby the City Council could hire their own legal counsel.

20:57:18 Council Member Morris Pratt **MOVED** to adopt Ordinance No. 05-10 reinserting Section 2.32.050 in Section 2.32.085 E. "...the interest of the City, *Pursuant to Section 232.050*, and a copy..." and under Section 2.32.165 E. adding ... "description of such denial *along with the City Attorney's recommendation* to the City Council." Council Member Les Matsumura **SECONDED** the motion. Chairman Wall called for discussion on the motion. 21:01:17 Mayor Auger said that she feels that since the City pays the City Attorney a great deal for his advice, the City Council should not disregard his advice. Chairman Wall then called for a roll call vote. The vote was as follows: The vote was as follows: Wall-no, Matsumura-yes, Rechtenbach-yes, Catlin-no, Pratt-yes. **All City Council members voted and the motion passed 3 to 2.**

7.2 Resolution No. 05-13 – Approving an Interlocal Cooperative Agreement with Salt Lake County for Dispatch, Evidence Storage and Records Management System Services – *Chief Marx*

21:02:16 Chief Larry Marx explained that Exhibit B is not available and recommended that the subject resolution be continued until the Regular City Council Meeting that is to be held on March 16, 2005.

21:05:26 Mayor Auger explained that there are issues being discussed for a Unified Police Authority and she feels that it is in the City's best interest to approve an Interlocal Agreement to contract with Salt Lake County until the City determines that the Police Authority is the direction the City wants to proceed.

21:08:13 Following discussion, Council Member Bud Catlin **MOVED** to table Resolution No. 05-13 until March 16, 2005. Council Member Morris Pratt **SECONDED** the motion. Chairman Wall called for discussion on the motion. There being none, he called for a roll call vote. The vote was as follows: The vote was as follows: Wall-yes, Matsumura-yes, Rechtenbach-yes, Catlin-yes, Pratt-yes. **All City Council members voted in favor and the motion passed unanimously.**

8. NEW ITEMS FOR SUBSEQUENT CONSIDERATION (No Action)

9. NOTICE OF FUTURE PUBLIC MEETINGS (NEXT MEETING) 21:09:15

- 9.1 City Council Work Session – Wednesday, March 9, 2005 – 6:00 p.m.**
- 9.2 City Council Briefing Session – Wednesday, March 16, 2005 – 6:00 p.m.**
- 9.3 City Council Meeting – Wednesday, March 16, 2005 – 6:30 p.m.**
- 9.4 City Council Briefing Session – Wednesday, April 6, 2005 – 6:00 p.m.**
- 9.5 City Council Meeting – Wednesday, April 6, 2005 – 6:30 p.m.**

10. CALENDAR OF UPCOMING EVENTS

11. ADJOURNMENT

21:09:41 Council Member Les Matsumura **MOVED** to adjourn the City Council Meeting. Chairman Wall **SECONDED** the motion. Chairman Wall called for discussion. There being none, he called for a vote. The vote was as follows: The vote was as follows: Wall-yes, Matsumura-yes, Rechtenbach-yes, Catlin-yes, Pratt-yes. **All City Council members voted in favor and the motion passed unanimously.** The meeting was adjourned at 9:09 p.m.

Virginia Loader, City Recorder

Minutes approved: CC 03-16-05

Minutes Prepared by: Virginia Loader